



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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June 17, 2014

IN REPLY PLEASE
REFER TO FILE:

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

52 June 17, 2014

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**REQUEST TO FILE LAWSUIT TO REMOVE ENCROACHING STRUCTURE
PICKENS CANYON CHANNEL PARCEL 33
CITY OF GLENDALE
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to request approval for County Counsel to file a lawsuit to compel the removal of an encroaching structure from a Los Angeles County Flood Control District property at Pickens Canyon Channel in the City of Glendale.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find that the proposed activity is exempt from the California Environmental Quality Act.
2. Authorize County Counsel, on behalf of the Los Angeles County Flood Control District, to file a lawsuit to compel the removal of an encroaching structure from Pickens Canyon Channel Parcel 33 in the City of Glendale and to seek damages and remedies as provided by law.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from the Board, acting as the governing body of the Los Angeles County Flood Control District (LACFCD), to authorize County Counsel to file a lawsuit to remove an encroaching structure placed by the adjacent homeowner, Mr. Charles Beatty, on an LACFCD fee-owned property located at Pickens Canyon Channel Parcel 33 in the City of Glendale (City).

The structure has continued to encroach upon the Pickens Canyon Channel right of way despite several attempts to either sell the property or have the homeowner remove the encroaching structure. This action will enable the LACFCD to take necessary legal actions to remove the encroaching structure from this LACFCD property.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Fiscal Sustainability (Goal 2) as the LACFCD will be able to utilize this property for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The City of Glendale Code Compliance and Licensing Section notified the LACFCD in February 2011 of possible encroachments onto Pickens Canyon Channel by Mr. Beatty. The LACFCD sent three letters to Mr. Beatty between March and December 2011 notifying Mr. Beatty of the encroachment and asking him to either remove the encroaching structure or contact the LACFCD to see if the property was available for sale or lease. Mr. Beatty notified the LACFCD in January 2012 that he was interested in purchasing the property. The property was subsequently deemed available for sale and the sales price established. After several unsuccessful attempts to reach Mr. Beatty, a letter was sent providing options to purchase or rent the property or remove the encroachment from the property. Mr. Beatty contacted and met with Board deputies and Public Works staff on December 5, 2012. It was decided at the meeting that Public Works would conduct a survey, supply the survey to Mr. Beatty, and schedule a meeting with Mr. Beatty and the City. After several attempts to contact Mr. Beatty, Board deputies, Mr. Beatty, the City's Neighborhood Services Inspector, and

Public Works staff met on June 10, 2013, to discuss Mr. Beatty's options. Mr. Beatty indicated he was no longer interested in purchasing or renting the property and agreed to remove the encroachment within three months. To date, Mr. Beatty has not removed the encroachment and failed to respond to a letter sent by County Counsel.

The structure continues to encroach on this LACFCD property, which has resulted in the need to take legal action to remove the encroachment.

ENVIRONMENTAL DOCUMENTATION

The proposed action of filing the litigation is not a project pursuant to the California Environmental Quality Act (CEQA) in that it is an activity that is excluded from the definition of a project according to Section 15378(b)(5) of the State CEQA Guidelines. The action is an administrative activity of government that will not result in direct or indirect physical changes to the environment.

The removal of the encroaching small building from this LACFCD property is categorically exempt from CEQA because it is within a class of projects that have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301(l) of the State CEQA Guidelines and Class 1(h)(4) of the County's Environmental Document Reporting Procedures and Guidelines, Appendix G.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current services or projects.

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CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gail Farber", written in a cursive style.

GAIL FARBER
Director of Public Works

GF:SGS:tw

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office